

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN DEVORE,	:	CIVIL ACTION
Plaintiff,	:	
v.	:	
	:	
CHEYNEY UNIVERSITY of	:	
PENNSYLVANIA, <i>et al.</i>,	:	
Defendants.	:	No. 11-274

ORDER

AND NOW, this 3rd day of January, 2012, upon consideration of Defendants Colwyn Borough, Wendell Reed, Daniel Rutland, Tonette Pray, Bryan Hills, James Hazelton, Steve Sibbett, and John Fitzgerald's Motions to Dismiss Plaintiff's First Amended Complaint (Docket Nos. 13, 17, 20, 35, 45, 49, 54), Plaintiff's oppositions thereto (Docket Nos. 18, 25, 32, 46, 52, 56) and various replies and surreplies (Docket Nos. 29, 59, 60), and after oral argument, it is hereby **ORDERED** that:

1. All claims against Defendant John Gallahan are **DISMISSED** without prejudice.¹
2. Defendant Colwyn Borough's Motion (Docket No. 13) is **GRANTED** in part and **DENIED** in part. Defendant's Motion is granted as to Count I, and granted in part and denied in part as to Counts IV and V, as set forth in the Memorandum accompanying this Order.
3. Defendant Wendell Reed's Motion (Docket No. 17) is **GRANTED**.
4. Defendant Daniel Rutland's Motion (Docket No. 20) is **GRANTED** in part and **DENIED** in part. Defendant's Motion is granted as to Counts II and III and

¹ As noted in the accompanying memorandum, Mr. DeVore's counsel voluntarily withdrew all claims against Mr. Gallahan at oral argument.

denied as to Count V.

5. Defendant Tonette Pray's Motion (Docket No. 35) is **GRANTED** in part and **DENIED** in part. Defendant's Motion is granted as to Count V and denied as to Count II.
6. Defendants Bryan Hills and James Hazelton's Motion (Docket No. 45) is **GRANTED**.
7. Defendant Steve Sibbett's Motion (Docket No. 49) is **GRANTED**.
8. Defendant John Fitzgerald's Motion (Docket No. 54) is **GRANTED**.
9. If Plaintiff John DeVore elects to try to file an amended complaint, he must file a motion seeking leave to do so (together with the proposed amended complaint as an exhibit to the motion) no later than 21 days from the date of this Order. Any interested Defendant may file an opposition to the motion for leave to amend within 14 days after the motion for leave to amend is filed.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE